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6/14/04 - (32)

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tel 978.263.7777
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June 9, 2004

David Abbt, Town Engineer
Town of Acton Engineering Department
472 Main Street
Acton, MA 01720

Re: Relocation of Drainage Easement, Lots 114, 115 and 116 Squirrel Hill Road

Dear Mr. Abbt:

Pursuant to our previous conversations, enclosed herewith please find two prints of Plan No. 596 of 2004 as well as copy of Town Vote recorded in Book 43020, Page 227 and Grant of Easement recorded in Book 43020, Page 228.

Kindly have the Board of Selectmen sign the Release Deed at their meeting next week and let me know if you need anything further.

As always, thank you so much for your assistance.

Very truly yours,

D'AGOSTINE, LEVINE, PARRA & NETBURN, P.C.

By: Carole Anne Paro
Carole Anne Paro for Lisa Bergemann
e-mail: lbergemann@dlpnlaw.com

LB:cap
Enclosures
E:\letter\maple creek farm letter.doc



A True Copy. Attest
Edward J. Ellis
TOWN CLERK ACTON, MASS.

RECORDED ON 6-10-04
IN BOOK 43020
PAGE 227

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9815
Fax (978) 264-9630

Town Clerk

**EXCERPT OF THE ANNUAL TOWN MEETING HELD APRIL 5, 2004
WITH ADJOURNED SESSIONS HELD APRIL 7, APRIL 12 AND APRIL 13, 2004**

Number of Registered voters attending Town Meeting			
APRIL 5,	APRIL 7,	April 12,	April 13,
18	354	253	123

ARTICLE 49 * DRAINAGE EASEMENT - SQUIRREL HILL ROAD
(Two-thirds vote)

To see if the Town will vote to accept as a gift from Parmley Corp., and the Trustees of The Welton Realty Trust, proposed drainage easements partially twenty (20) feet wide and partially of variable width, on lots 114, 115, and 116, said lots are numbered 33, 35, and 37 Squirrel Hill Road, as shown on a plan entitled "Easement-Plan, Squirrel Hill Road, Acton, Massachusetts, Prepared for Sweeney & Sons and dated December 2003, to be recorded at the Middlesex South District Registry of Deeds; and to abandon the Town's right, title and interest to the existing twenty (20) foot wide drainage easements on said lots taken by Eminent Domain on June 24, 1975, by an Order of Taking recorded at said Registry in Book 12831 Page 574, or take any other action relative thereto.

MOTION:

Mr. Hunter moves that the Town accept the proposed drainage easements as set forth in the Article, in a form satisfactory to the Board of Selectmen and Town Counsel, and, upon the recording of said drainage easements in favor of the Town in the applicable registry or registration office, that the Board of Selectmen is authorized to abandon the now existing drainage easements as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

GRANT OF EASEMENT

RECORDED ON 6-10-04
 IN BOOK 43020
 PAGE 228

PARMLEY CORP., a Massachusetts corporation with a principal place of business at 78 Rockland Avenue, Maynard, Middlesex County, Massachusetts and CAROLYN A. DILORENZO AND THOMAS FINNERTY, TRUSTEES OF THE WELTON REALTY TRUST, under Declaration of Trust dated July 20, 1988 and recorded with the Middlesex South District Registry of Deeds ("Registry") in Book 19226, Page 458, of 78 Rockland Avenue, Maynard, Middlesex County, Massachusetts

For consideration paid, and in full consideration of less than One Hundred Dollars

Grants to the TOWN OF ACTON, a municipal corporation duly established under the laws of the Commonwealth of Massachusetts and having its usual place of business at 472 Main Street, Acton, Middlesex County, Massachusetts the following perpetual rights and easements:

Within, over, on, under, and through those certain portions of Lot 114, Lot 115, and Lot 116 shown as "PROPOSED DRAINAGE EASEMENTS" shown on a plan entitled "Easement Plan, Squirrel Hill Road, Acton, Massachusetts, Prepared for: Sweeney & Sons, 78 Rockland Ave., Maynard, Mass. 01754, Scale: 1 inch = 30 feet, Date: December, 2003, Acton Survey & Engineering, Inc., 97 Great Road, P.O. Box 666, Acton, MA 01720" (the "Easement Areas"), which plan is to be recorded herewith ("Easement Plan"), the perpetual right and easement, over, under and upon said Easement Areas to install, construct, and maintain drainage facilities of all types and kinds, for the purpose of discharging surface runoff water from Squirrel Hill Road. Without limiting the foregoing, the rights and easements described herein include the right to enter upon said Easement Areas for the purpose of effectuating this grant, provided that following such entry, the Grantee agrees to use reasonable promptness to restore the grade and/or surface of any disturbed areas to substantially the condition in existence prior to such entry and/or work within said Easement Areas.

This Grant of Easement is made in exchange for the Town of Acton releasing to the Grantors all of the Town's right, title, and interest in those certain easements referred to as "EASEMENT" in a document entitled "Order of Taking Squirrel Hill Road" dated June 24, 1975 and recorded with the Registry in Book 12831, Page 574, which easement areas are shown as (1) "20' DRAIN EASEMENT FOR BROOK" affecting portions of Lot 114, Lot 115, and Lot 116 and (2) "20' DRAIN EASE." affecting portions of Lot 115 and Lot 116; all as shown on a plan entitled, "Revised Plan of Colonial Acres, West Acton, Mass. (Section I)", dated May 15, 1961, by Everett M. Brooks, Co., Civil Engineers, which plan was recorded with the Registry as Plan No. 901 of 1961 in Book 9832, Page End; and which easement areas are also shown as "EXISTING 20' WIDE DRAINAGE EASEMENTS - TO BE ABANDONED" on the Easement Plan.

No fee interest in the aforesaid easements is intended to be conveyed herein as the fee to the aforesaid easement is reserved by the Grantors, their heirs, successors, and assigns.

This conveyance does not constitute a transfer of all or substantially all of the assets of Parmley Corp. in the Commonwealth of Massachusetts, and is made in the ordinary course of business.

For title to Lot 114 and Lot 116, see deed from Daniel G. Sweeney and Barbara Aline Sweeney, Trustees of Liberty Square Realty Trust to Parmley Corp. recorded with Middlesex South District Registry of Deeds on November 10, 2003 as Instrument No. 933 in Book 41400, Page 228.

Please return to: D'Agostine, Levine, Parra & Netburn, P.C., 268 Main Street,
 P.O. Box 2223, Acton, MA 01720

For title to Lot 115, see deed from Barbara A. Sweeney aka Barbara Aline Sweeney to Welton Realty Trust recorded with Middlesex South District Registry of Deeds on November 10, 2003 as Instrument No. 934 in Book 41400, Page 230.

IN WITNESS WHEREOF, Parmley Corp. has caused its seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Kevin B. Sweeney, President, and John J. Sweeney, Treasurer, this ~~4th~~ ^{3rd} day of June 2004.

PARMLEY CORP.

BY: 

Kevin B. Sweeney, President

BY: 

John J. Sweeney, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June 23, 2004

Then personally appeared before me, the undersigned notary public, Kevin B. Sweeney, proved to me through satisfactory evidence of identification, which were personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as President of Parmley Corp., as aforesaid.



SUSAN M. LORD
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 28, 2005



Notary Public

My Commission Expires: January 28, 2005

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June 23, 2004

Then personally appeared before me, the undersigned notary public, John J. Sweeney, proved to me through satisfactory evidence of identification, which were personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Treasurer of Parmley Corp., as aforesaid.



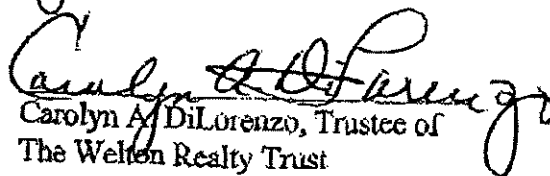
Notary Public

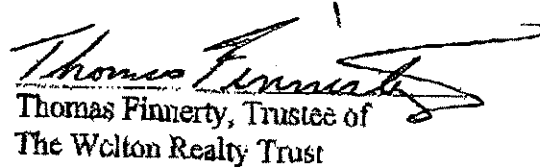
My Commission Expires: January 28, 2005



SUSAN M. LORD
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 28, 2005

WITNESS our hands and seals this 4th day of June 2004.


Carolyn A. DiLorenzo, Trustee of
The Welton Realty Trust


Thomas Finnerty, Trustee of
The Welton Realty Trust

COMMONWEALTH OF MASSACHUSETTS


Middlesex, ss.

June 4, 2004

Then personally appeared before me, the undersigned notary public, Carolyn A. DiLorenzo, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, as Trustee of The Welton Realty Trust, as aforesaid.



SUSAN M. LORD
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 28, 2005


Notary Public
My Commission Expires: January 28, 2005

COMMONWEALTH OF MASSACHUSETTS

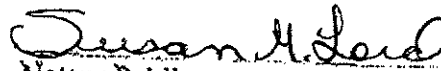
Middlesex, ss.

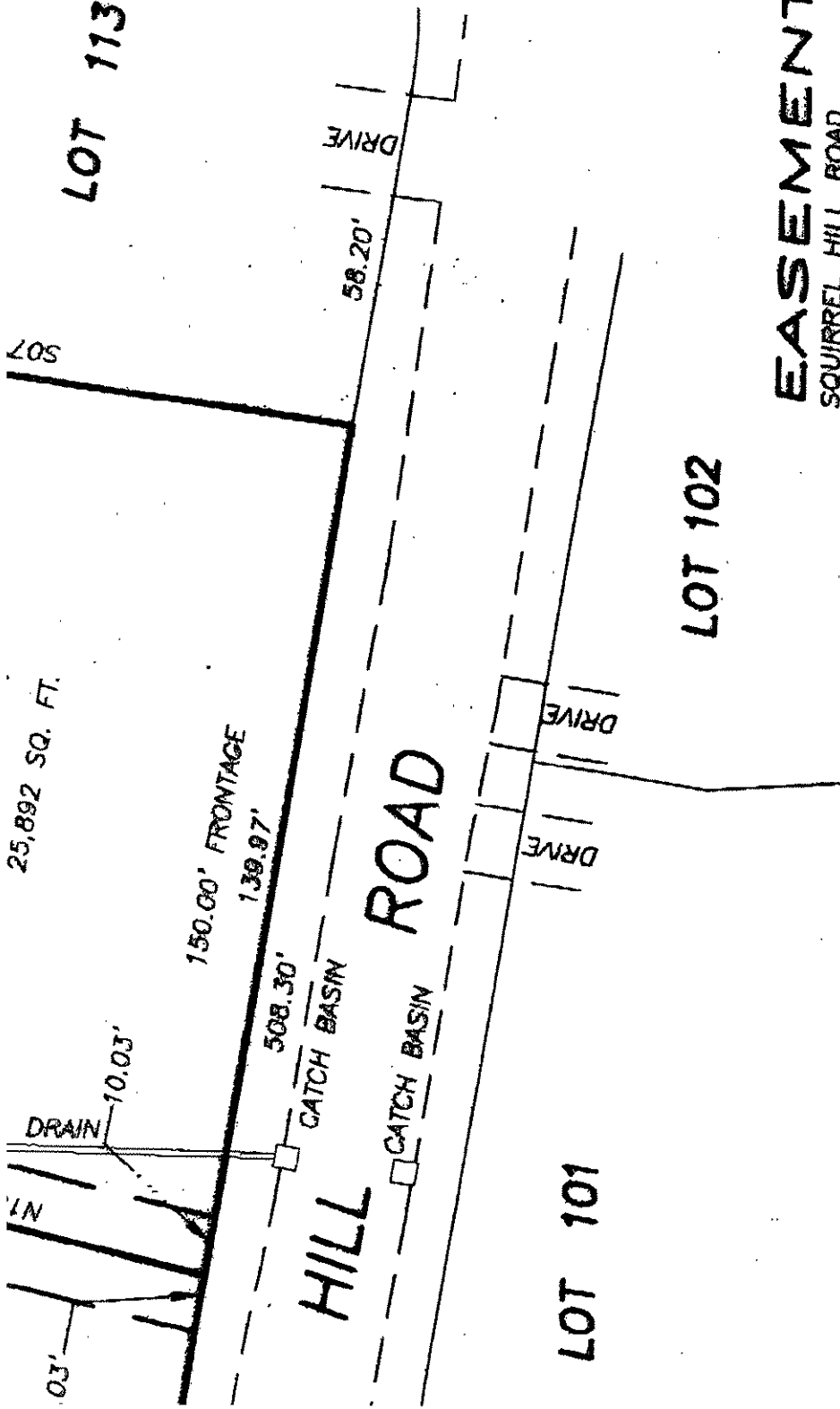
June 4, 2004

Then personally appeared before me, the undersigned notary public, Thomas Finnerty, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Trustee of The Welton Realty Trust, as aforesaid.



SUSAN M. LORD
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 28, 2005


Notary Public
My Commission Expires: January 28, 2005



EASEMENT PLAN

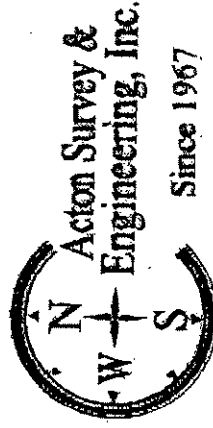
SQUIRREL HILL ROAD
ACTON, MASSACHUSETTS

RTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE
THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS
THE COMMONWEALTH OF MASSACHUSETTS.

James W. Sweeney
PROFESSIONAL LAND SURVEYOR

2/10/03

PREPARED FOR:
78 ROCKLAND AVE. MAYNARD, MASS. 01754
SCALE: 1 INCH = 30 FEET DATE: DECEMBER 2003



97 GREAT ROAD
P.O. BOX 666
ACTON, MA 01720
PH. (978) 263-3666
FAX (978) 635-0218

6074500

Plan 596 B 2004